

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WILLIAM M. COX,

No. C-07-1661 MMC

Plaintiff

v.

**ORDER DISMISSING ACTION WITH
LEAVE TO AMEND**

STAFF AT MISSION CREEK HOUSING,

Defendant

Currently before the Court is the complaint and application to proceed in forma pauperis filed March 22, 2007 by plaintiff William M. Cox ("Cox").

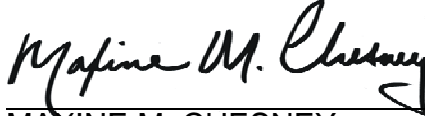
Pursuant to 28 U.S.C. § 1915(e)(2), the Court must dismiss any complaint filed by a person seeking to proceed in forma pauperis if the complaint fails to state a claim. Plaintiff's complaint fails to state a claim because he fails to allege any basis for federal jurisdiction over the instant action. See Fed. R. Civ. P. 8(a)(1) (requiring complaint to contain "a short and plain statement of the grounds upon which the court's jurisdiction depends"). Although plaintiff suggests, by citing 28 U.S.C. § 1331 in the caption of his complaint, that the Court has federal question jurisdiction over the instant action, he fails to allege any federal claim. Additionally, plaintiff fails to include in his complaint "a demand for judgment for the relief [he] seeks." See Fed. R. Civ. P. 8(a)(3).

Accordingly, the complaint is hereby DISMISSED, with leave to file an amended complaint no later than April 27, 2007. If, by that date, plaintiff fails to file an amended

1 complaint, the above-titled action will be dismissed. The Court will address plaintiff's
2 application to proceed in forma pauperis if and when plaintiff files an amended complaint
3 addressing the deficiencies noted.

4 **IT IS SO ORDERED.**

5 Dated: March 26, 2007


MAXINE M. CHESNEY
United States District Judge